IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION Nos. 2598 and 2599 of 1998

WRIT PETITION NO.2598 OF 1998

Between:

Superintending Engineer, Administration and M.M.V.T.P.S., Chairman/V.T.P.S.Canteen A.P.S.E.B., Vijayawada, Krishna District.

.... PETITIONER

AND

1. Pajjuri Srinivasa Rao, S/o Koteswara Rao, near V.T.P.S., Kothagate, C/o Naga Vilas Hotel, Ibrahimpatnam, Krishna District.

2. The Presiding Officer, Labour Court, Guntur.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ order or direction calling for the records relating to the order of the 2nd respondent i.e., the Presiding Officer, Labour Court, Guntur made in I.D.No.87 of 1992, dated 07.08.1997 and quashing the same and pass such other order or orders.

Counsel for the Petitioner: Smt. K. Sesharajyam

Counsel for the Respondent No.1: MR.G.V.SHIVAJI

Counsel for the Respondent No.2: GP for Labour.

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WRIT PETITION NO : 2599 of 1998

Between:

The Superintending Engineer, Administration and Material Management, V.T.P.S., Chairman, V.T.P.S. Canteen, A.P.S.E.B., Ibrahimpatnam, Krishna District.

..... PETITIONER

AND

1. Pazzuri Ramu, S/o Koteswara Rao, resident of near Kottigate, V.T.P.S., A.P.S.E.B., Ibrahimpatnam, Krishna District.

2. The Presiding Officer, Labour Court, Guntur.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ order or direction calling for the records relating to the order of the 2nd respondent made in I.D.No.352 of 1992 dated 07.08.1997 i.e., The Presiding Officer, Labour Court, Guntur and quash the same.

Counsel for the Petitioner: SMT.K.SESHARAJYAM

Counsel for the Respondent No.1: MR.G.V.SHIVAJI

Counsel for the Respondent No.2: G.P for Labour.

The Court made the following :

COMMON ORDER:

Since the facts involved in these two cases are similar in nature, they are disposed of together.

These two writ petitions are filed being aggrieved by the Awards passed by the

Presiding Officer, Labour Court, Guntur dated 07.08.1997 in I.D.No.87 of 1992 and dated 07.08.1997 in I.D.No.352 of 1992 respectively.

The respondent-workmen were admittedly engaged by the writ petitioner-management as canteen employees in Vijayawada Thermal Power Station, which was maintained by the Andhra Pradesh State Electricity Board. Both of them have worked for more than three years and thereafter their services were terminated orally. Aggrieved by the same, they have raised industrial disputes complaining that the oral termination orders passed by the management were illegal and they had put in more than 240 days of service prior to the date of their retrenchment and as such, the non-compliance of section 25(F) of the Industrial Disputes Act is arbitrary and illegal.

Before the Labour Court, the writ petitioner-management as well as the respondent-workmen led their respective evidence and after going through the entire material on record, the Labour Court came to the conclusion that the respondent-workmen worked for more than 240 days with the management. Insofar as the stand taken by the management is concerned the respondent-workmen abandoned their services. If that is so, the management ought to have conducted suitable enquiry into the matter. The management did not follow such course of action. On these two counts, the termination order of the management was held to be bad and the management directed to reinstate the respondent-workmen into service with continuity of service, but without any back wages. Aggrieved by the same, the present writ petitions are filed.

Admittedly, when the management had taken a stand that the workmen abandoned their services, they have not taken any action as required under law for the purpose of taking disciplinary action etc. Therefore, the Labour Court rightly came to the conclusion that since the respondent-workmen have completed more than 240 days of service, which was not in dispute, the management failed to comply with the provisions of Section 25-F of the Industrial Disputes Act and as such passed the impugned awards. I am of the considered opinion that the Awards passed by the Labour Court do not call for any interference of this Court. Therefore, the Writ Petitions are devoid of merits and liable to be dismissed.

Accordingly, the Writ Petitions are dismissed. No costs.

10.09.2004

Nsr

To

1. The Presiding Officer, Labour Court, Guntur.
2. Two CD copies.